

MAY 23 2000

MARKUS B. ZIMMER, CLERK

BY

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

DARREN W. SADLIER,

Petitioner,

vs.

HANK GALETKA, Warden Utah State
Prison,

Respondents.

ORDER DENYING REQUEST FOR
CERTIFICATE OF APPEALABILITY

Case No. 2:00CV144K

Before the court is Petitioner's Notice of Intent to Appeal and Request for Certification of Appealability. The court has considered the law and facts relating to this Request. Now being fully advised, the court renders the following Order.

Pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, Plaintiff has requested a Certification of Appealability. Under 28 U.S.C. § 2253, a certificate of appealability "may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Because Petitioner has not made a substantial showing of the denial of a constitutional right regarding his return to confinement for violating his parole,¹ the court denies his request. In addition, as the court stated in its Order of May 5,

¹ Although the fact that Petitioner has been confined for violating his parole is not mentioned in his Petition, it was communicated in a telephone conversation between a law clerk and Petitioner's "next friend with power of attorney," who has signed all of Petitioner's documents that have been filed with the court.

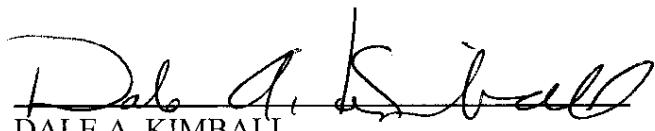
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2000, Petitioner has not exhausted his state remedies.

For the foregoing reasons, it is hereby ORDERED that Petitioner's Request for a Certificate of Appealability is DENIED.

DATED this 22nd day of May, 2000.

BY THE COURT:


DALE A. KIMBALL
United States District Judge

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United States District Court
for the
District of Utah
May 23, 2000

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:00-cv-00144

True and correct copies of the attached were either mailed or faxed by the clerk to the following:

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